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NEW ORLEA

Garrison Foes Win Hearing On Reversal

The national interest demands a full federal court hearing be held on claims that Dist. Atty. Jim Garrison filed false charges in a vendetta against two newsmen, the Fifth Circuit Court of Appeals says.

The appeals court yesterday reversed an earlier decision by U.S. District Judge Alvin Rubin and remanded the case to him for a full hearing.

JUDGE RUBIN had held there was no ground for an injunction blocking prosecution of the newsmen in state court.

The Fifth Circuit said Judge Rubin's summary ruling was based on a narrow interpretation of the law. "The national interest is most compelling in this case," the court said.

Filing the appeal were Walter Sheridan, Washington, a former National Broadcasting Co. investigative reporter, and Richard Townley, formerly on the WDSU-TV news staff here, now at WNEW in New York City.

"When a significant chilling effect on free speech is created by a bad-faith prosecution, the prosecution will thus as a matter of law cause irreparable injury regardless of its outcome, and the federal courts cannot abstain from issuing an injunction," the appeals court said.

GARRISON charged both men after an NBC television special of June 19, 1967, claimed there were flaws in the district attorney's controversial case against Clay L. Shaw, a retired New Orleans businessman.

Shaw, 56, was acquitted March 1 of charges he conspired with Lee Harvey Oswald and others to murder President John F. Kennedy, who was assassinated in Dallas in 1963.

After NBC's critical telecast, which Sheridan and Townley helped prepare, Garrison charged Sheridan with bribing a state witness during the NBC investigation. Townley was charged with bribing and intimidating state witnesses.

THE NEWSMEN said the charges violated the right to free speech.

Townley and Sheridan, in seeking federal protection, accused Garrison of charging them as part of a plan to intimidate those who disagreed with his conduct as a public official.

They said they could show that Garrison tried to intimidate other newsmen, that he threatened to "get" Sheridan, tried to have them beaten up and suppressed evidence tending to show the charges were false.